MOTION FILED
APR 1 1976

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 75-1413

WAYNE A. STANTON, ET AL.,
Petitioners,
v.
LOUISE BOND, ET AL.,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

---

MOTION FOR LEAVE TO FILE AND BRIEF FOR THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW AS *AMICUS CURIAE*

ALBERT E. JENNER, JR.
STEPHEN J. POLLAK
LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW

ARMAND DERFNER
P.O. Box 608
Charleston, South Carolina 29402

ROBERT A. MURPHY
JOEL L. SELIG
NORMAN J. CHACHKIN
WILLIAM E. CALDWELL
Suite 520 Woodward Building
733 - 15th Street, N.W.
Washington, D. C. 20005

Attorneys for Amicus Curiae

WILSON - EPES PRINTING CO., INC. - RE 7-6002 - WASHINGTON, D. C. 20001

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 75-1413

WAYNE A. STANTON, ET AL.,
Petitioners,

v.

LOUISE BOND, ET AL.,
Respondents.

MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

Amicus curiae Lawyers' Committee for Civil Rights Under Law respectfully seeks leave to file the attached Brief in order to assist the Court in resolving an issue of critical importance—the power of a federal court to award attorneys' fees against state officials. The Lawyers' Committee's interest in this case stems from its longstanding concern with the problem of devising remedies that will secure the effective enforcement of federal civil rights laws, as more fully described in the "Interest of *Amicus Curiae*" section of the attached Brief. In this connection, the Lawyers' Committee has been especially concerned for a number of years with issues relating to the award of attorneys' fees in civil rights cases, and has filed briefs as *amicus curiae* in this Court in such cases as *Bradley* v. *School Bd. of Richmond*, 416 U.S. 696 (1974); *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U.S. 240 (1975); and *Fitzpatrick* v. *Bitzer*,

44 U.S.L.W. 5120 (U.S. June 28, 1976), as well as in various federal Courts of Appeals and state courts.

As of the time at which this Brief must be printed, *amicus* has received consent from the Respondents but has not yet been notified whether the Petitioner will consent to the filing of this Brief. (A copy of the Respondents' letter of consent has been filed with the Clerk of this Court).

WHEREFORE, *amicus* Lawyers' Committee for Civil Rights Under Law respectfully moves that its Brief be filed in this case.

Respectfully submitted,

ARMAND DERFNER
P.O. Box 608
Charleston, South Carolina 29402

ROBERT A. MURPHY
JOEL L. SELIG
NORMAN J. CHACHKIN
WILLIAM E. CALDWELL
LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW
Suite 520 Woodward Building
733 - 15th Street, N.W.
Washington, D. C. 20005

Attorneys for Amicus Curiae

TABLE OF CONTENTS

	Page
Table of Authorities	I
Interest of Amicus Curiae	1
Argument	3
Conclusion	11

TABLE OF AUTHORITIES

Cases

Allen v. *Illinois*, 397 U.S. 337 (1970)	9
Allen v. *State Board of Elections*, 393 U.S. 544 (1969)	6
Alyeska Pipeline Service Co. v. *Wilderness Society*, 421 U.S. 240 (1975)	2, 8, 10
Amos v. *Sims*, 409 U.S. 942 (1972) aff'g 340 F. Supp. 691 (M.D. Ala. 1972)	10
Bond v. *Stanton*, 528 F.2d 688 (7th Cir. 1976)	10
Boston Chapter NAACP, Inc. v. *Beecher*, 504 F.2d 1017 (1st Cir. 1974), cert. denied, 421 U.S. 910 (1975)	7
Bradley v. *School Board of Richmond*, 416 U.S. 696 (1974)	2
Chapman v. *Meier*, 420 U.S. 1 (1975)	6
Cherokee Nation v. *Oklahoma*, 397 U.S. 620 (1970)	7
Class v. *Norton*, 505 F.2d 123 (2d Cir. 1974)	7, 10
Connor v. *Williams*, 401 U.S. 549 (1972)	6
Edelman v. *Jordan*, 415 U.S. 662 (1974)	5, 7, 10
Epperson v. *Arkansas*, 393 U.S. 97 (1968)	6
Ex parte Young, 290 U.S. 123 (1908)	3, 4, 5, 11
Fairmont Creamery Co. v. *Minnesota*, 275 U.S. 70 (1927)	3, 6, 7, 8
Fitzpatrick v. *Bitzer*, 44 U.S.L.W. 5120 (U.S. June 28, 1976)	2, 8, 10
General Oil Co. v. *Crain*, 209 U.S. 211 (1908)	4
Goldfarb v. *Virginia State Bar*, 421 U.S. 773 (1975)	7
Hans v. *Louisiana*, 134 U.S. 1 (1890)	7

TABLE OF AUTHORITIES—Continued

	Page
Jenkins v. *Georgia*, 418 U.S. 153 (1974)	6
Jordan v. *Gilligan*, 500 F.2d 701 (6th Cir. 1974), cert. denied, 421 U.S. 991 (1975)	10
Keyes v. *School District No. 1*, 413 U.S. 189 (1973)	7
McClanahan v. *State Tax Commission of Arizona*, 411 U.S. 164 (1973)	6-7
McCrary v. *Runyon*, 44 U.S.L.W. 5034 (U.S. June 25, 1976)	9
Milliken v. *Bradley*, 418 U.S. 717 (1974)	7
National Hockey League v. *Metropolitan Hockey Club, Inc.*, 44 U.S.L.W. 3754 (U.S. June 30, 1976)	10
Skehan v. *Board of Trustees*, 501 F.2d 31 (3d Cir. 1974), vacated, 421 U.S. 983 (1975)	10
Souza v. *Travisono*, 512 F.2d 1137 (1st Cir.), vacated, 423 U.S. 809 (1975)	10
Spence v. *Washington*, 418 U.S. 405 (1974)	6
Thonen v. *Jenkins*, 517 F.2d 3 (4th Cir. 1975)	10

Constitution and Statutes

United States Constitution:

Article III	6, 7
Eleventh Amendment	4, 5

United States Code:

5 Stat. 518	8
10 Stat. 161	8
28 U.S.C. 1920	8
28 U.S.C. 1923	8

Federal Rules of Appellate Procedure

Rule 38	9

Federal Rules of Civil Procedure

Rule 37(a)(4)	9
Rule 37(c)	9

TABLE OF AUTHORITIES—Continued

Other Authorities	Page
C. Wright, Handbook of the Law of Federal Courts (2d Ed. 1970)	4
Note, Attorneys' Fees and the Eleventh Amendment, 88 HARV.L.REV. 1875 (1975)	7

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 75-1413

WAYNE A. STANTON, ET AL.,
Petitioners,

v.

LOUISE BOND, ET AL.,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

---

BRIEF FOR THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW AS *AMICUS CURIAE*

Interest of *Amicus Curiae*

The Lawyers' Committee for Civil Rights Under Law was organized in 1963 at the request of the President of the United States, John F. Kennedy, to involve private attorneys throughout the country in the national effort to assure civil rights to all Americans. The Committee's membership today includes two former Attorneys General, fourteen past Presidents of the American Bar Association, two former Solicitors General, a number of law

school deans, and many of the nation's leading lawyers. Through its national office in Washington, D.C. and its offices in Jackson, Mississippi and eleven other cities, the Lawyers' Committee over the past thirteen years has enlisted the services of over a thousand members of the private Bar in addressing the legal problems of minorities and the poor in voting, education, employment, housing, municipal services, and the administration of justice.

The primary objective of the Lawyers' Committee is to help develop the legal resources necessary to enforce fully the civil rights of minorities and the poor. Through the efforts of the Lawyers' Committee and similar groups, a great deal of high-quality legal service has been provided by the volunteer activities of the private Bar. However, the experience of the Lawyers' Committee over the past decade compels the conclusion that these valuable but limited legal resources are inadequate by themselves to effectuate fully the basic civil rights created by Congress and embodied in the Constitution.

Accordingly, we have participated as *amicus curiae* in recent cases in this Court concerning awards of counsel fees in civil rights litigation, *Bradley* v. *School Bd. of Richmond*, 416 U.S. 696 (1974); *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U.S. 240 (1975); *Fitzpatrick* v. *Bitzer*, 44 U.S.L.W. 5120 (U.S. June 28, 1976), because we have concluded that such awards are essential elements of the relief appropriate for those who have vindicated federal rights which depend in large measure upon private enforcement. Such awards also serve other essential functions in cases such as the one at bar, for they make available to federal judges an appropriate sanction in controlling the conduct of litigants and they provide an effective deterrent to others who would litigate in an unacceptable manner.

In the instant case the petitioners, who are state officials, do not challenge (and do not raise any question concerning) the finding that they acted in bad faith and that the attorneys' fees awarded by the courts below are therefore appropriate under established equitable principles. In these circumstances the only question is whether state officials who have in fact litigated in bad faith are nonetheless immune to an award of attorneys' fees which would concededly be proper against any other litigant.

The Lawyers' Committee litigates a variety of civil rights cases against state governments and their officials. To permit state officials who litigate in bad faith to clothe themselves with this kind of immunity will have a pernicious effect on our efforts to require state governments to live up to their legal and Constitutional obligations. *Amicus* therefore has a vital interest in this matter and in urging this Court to affirm the award of attorneys' fees.

ARGUMENT

Petitioners do not argue that federal courts lack power to grant attorneys' fees as costs against parties in general who are guilty of litigating in bad faith. Rather, petitioners' sole challenge is that, as state officials, they alone are not subject to such costs. That argument is foreclosed by this Court's decisions in *Ex parte Young*, 290 U.S. 123 (1908), and *Fairmont Creamery Co.* v. *Minnesota*, 275 U.S. 70 (1927), two cases not cited by the petitioners.

Analysis of the petitioners' defenses here must begin with *Ex parte Young*, for it is that case which gives rise to the respondents' right to bring this suit against state officials. The doctrine that state officers are suable, established by *Ex parte Young*, has been called "indispensable to the establishment of constitutional govern-

ment and the rule of law." C. Wright, *Handbook of the Law of Federal Courts* 186 (2d ed. 1970). That doctrine is a fundamental mechanism for enforcing federal rights and protecting citizens from violations of their federal rights committed in the name of their state government. As this Court said in *General Oil Co.* v. *Crain*, 209 U.S. 211, 226 (1908), decided the same day as *Ex parte Young*:

> Necessarily to give adequate protection to constitutional rights a distinction must be made between valid and invalid state laws, as determining the character of the suit against state officers. And the suit at bar illustrates the necessity. If a suit against state officers is precluded in the national courts by the 11th Amendment to the Constitution, and may be forbidden by a state to its courts, as it is contended in the case at bar that it may be, without power to review by this court, it must be evident that an easy way is open to prevent the enforcement of many provisions of the Constitution; . . . .[1]

The doctrine of *Ex parte Young*, and the remedies available once state officials are properly before the federal courts, are not unlimited. Two years ago this Court defined a major boundary when it held that back payments of welfare benefits could not be required of the states—no matter whether such payments were called

---

[1] Nor did the Court regard this as a fanciful possibility, for it was fully aware that government officials may misuse their power even where they do not deliberately set out to interfere with constitutional rights:

> Zeal for policies, estimable, it may be, of themselves, may overlook or underestimate private rights. The swift execution of the law may seem the only good, and the rights and interests which obstruct it be regarded as a kind of outlawry. *See* Ex parte Young, where this subject is fully discussed and the cases reviewed.

209 U.S. at 227.

damages or equitable restitution. *Edelman* v. *Jordan*, 415 U.S. 662 (1974).

Edelman acknowledges that the difference between relief barred by the Eleventh Amendment and that permitted under *Ex parte Young* is often subtle, 415 U.S. at 667. While characterizing the Eleventh Amendment as a protection of the state treasury from potentially ruinous money awards, *Edelman* recognizes that many forms of equitable relief have great fiscal impact on state treasuries; but such an "ancillary effect" is a "permissible consequence" of *Ex parte Young*. 415 U.S. at 668. *Edelman* essentially draws the line between "a monetary loss resulting from a past breach of legal duty on the part of the defendant state officials" (direct effect), and payments which are a necessary consequence of the suit itself (ancillary effect). 415 U.S. at 668.

The distinction is decisive in this case. The normal incidents and consequences of a federal court action—e.g., filing costs, witness fees, and properly awarded attorneys' fees—are ancillary in nature. Such incidents of litigation are not in the nature of actions on preexisting state debts; they are not "a monetary loss resulting from a past breach of legal duty." They do not derive from the prior conduct of the state or its officials which gave rise to the underlying cause of action. They are not designed to compensate, nor to provide reparations for, the victims of unlawful conduct. Except for the fact that such costs of litigating also involve dollars, there is *no* resemblance to the "award of damages against the State" which is forbidden by *Edelman*. 415 U.S. at 668.

Rather, the attorneys' fees at issue here are an incidental expense of the litigation itself and, as such, are within a court's *inherent* power to control the litigation before it. That power was affirmed a half century ago

in *Fairmont Creamery Co.* v. *Minnesota*, 275 U.S. 70 (1927). In that case, Minnesota made the explicit claim that, as a sovereign state, it could not be taxed with the prevailing party's costs of suit. This Court held that a state can be made to bear the expenses of proceedings in federal court:

> But is the state to be regarded as the sovereign here? This court is not a court created by the state of Minnesota. The case is brought by a writ of error issued under the authority of the United States by virtue of the Constitution of the United States. It is not here by the state's consent but by virtue of a law, to which it is subject. Though a sovereign, in many respects, the state when a party to litigation in this court loses some of its character as such.

275 U.S. at 74. The practice of taxing costs against states in the same way as against other litigants has been invariable and has continued to this day.[2]

---

[2] *Amicus* State of California (though not the petitioners) attempts to limit *Fairmont Creamery* on the ground that the case began as a criminal prosecution brought by the State of Minnesota. But this Court made it clear that no such limitation was intended, and that the power to tax costs against any litigant attaches in all cases properly within the Article III jurisdiction of a court of the United States. Thus, the Court "treat[ed] the state just as any other litigant, and impos[ed] costs on it as such," 275 U.S. at 77; and it referred to 129 cases, dating back to 1860, which show that "the invariable practice has been when the judgment has been against a state in both civil and criminal cases to adjudge costs against it." *Id.*

The Court has continued to apply the *Fairmont Creamery* rule, without distinction, to tax costs against states, state agencies, and state officials; in cases coming up from the federal courts and from the state courts; and in cases where the states are plaintiffs and in cases where the states are defendants. *See, e.g.*, the judgments in *Jenkins* v. *Georgia*, 418 U.S. 153 (1974); *Spence* v. *Washington*, 418 U.S. 405 (1974); *Epperson* v. *Arkansas*, 393 U.S. 97 (1968); *Allen* v. *State Board of Elections*, 393 U.S. 544 (1969); *Connor* v. *Williams*, 401 U.S. 549 (1972); *Chapman* v. *Meier*, 420 U.S. 1 (1975); *McClanahan* v. *State Tax Commission of Arizona*, 411 U.S. 164 (1973); *Goldfarb* v. *Virginia State Bar*, 421 U.S. 773 (1975); *Cherokee Nation* v. *Oklahoma*, 397 U.S. 620 (1970).

The attorneys' fee issue in this case is settled by the decision in *Fairmont Creamery* because such fees are costs of litigation. They are "incidents of the hearing," which "attach to the regular jurisdiction" of a court of the United States under Article III of the Constitution. 275 U.S. at 77.

The equivalence of costs and fees is established by function and tradition. Both are closely related to a court's power and obligation to manage the litigation before it. And their amount varies with the nature, length and complexity of the litigation itself.[3]

In keeping with their functional equivalence, fees have traditionally been regarded by Congress as in the nature

The question has been raised again recently, and the rule of *Fairmont Creamery* reiterated by two courts of appeals. *Boston Chapter NAACP, Inc.* v. *Beecher*, 504 F.2d 1017, 1028 (1st Cir. 1974), *cert. denied*, 421 U.S. 910 (1975); *Class* v. *Norton*, 505 F.2d 123 (2d Cir. 1974).

[3] A recurring theme of the state immunity cases has been concern about the potentially ruinous effect unregulated monetary awards might have upon state treasuries. This concern was most acute in cases like *Hans* v. *Louisiana*, 134 U.S. 1 (1890), involving the size of the state's debt, but it was also alluded to in *Edelman* v. *Jordan*, 415 U.S. 662, 665-66 (1974). In this respect, while an attorneys' fee award will ordinarily be larger than the other costs taxed in a given case, both are invariably so limited that neither could disrupt a state treasury. Indeed, most attorneys' fee awards are miniscule compared with the dollar expense of complying with an injunction. Moreover, many cases involve other taxable costs which are larger than most attorneys' fee awards. *Compare* the $2,366 attorneys' fee granted in this case with the costs awarded *in this Court alone* in such cases as *Milliken* v. *Bradley*, 418 U.S. 717 (1974) ($20,329.60); *Keyes* v. *School District No. 1*, 413 U.S. 189 (1973) ($28,905.48). *See also* the listing of attorneys' fees involved in other cases involving state officials in Note, *Attorneys' Fees and the Eleventh Amendment*, 88 HARV. L. REV. 1875, 1896 n.126 (1975).

of costs.[4] For example, attorneys' fees have been included among those costs regulated by general cost statutes, such as the Act of August 23, 1842, which gave this Court power (5 Stat. 518):

> to make and prescribe a table of the various items of costs which shall be taxable and allowed in all suits, to the parties, their attorneys, solicitors, and proctors, to the clerk of the court, to the marshal of the district, and his deputies, and other persons serving processes, to witnesses, and to all other persons whose services are usually taxable in bills of costs.

The same pattern was followed in 1853 when Congress itself undertook to set attorneys' fees (10 Stat. 161), and has continued to the present in the form of 28 U.S.C. §§ 1920 and 1923. Under these provisions, attorneys' fees are retained as taxable costs.

The virtual identity of fees and other items of costs was recognized in an *amicus* brief filed by Indiana (petitioners here) and 19 other states in *Fitzpatrick* v. *Bitzer*, 44 U.S.L.W. 5120 (U.S. June 28, 1976): "Costs taxed against the state, however minimal, nevertheless are paid from the state treasury, as are attorneys' fees awarded against the state." Brief of the Commonwealths of Pennsylvania and Virginia, et al., as *amici curiae* in No. 75-283, at p. 25. From this, these state *amici* concluded flatly that "*Fairmont Creamery* should be explicitly overruled." *Id.* We agree with these state *amici* (in *Fitzpatrick*) that the attorneys' fee award cannot be reversed unless this Court is to overrule *Fairmont Creamery* and leave states and state officials—unlike any other

[4] It is true that the general American rule treats attorneys' fees as a cost which is not ordinarily taxable, but as this Court only recently reiterated, that is a matter of statute or equitable discretion, *not* a matter of constitutional power. *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U.S. 240, 270-71 (1975).

party—immune from such routine litigation expenses as the costs of filing, service of process, court transcripts, discovery sanctions, appeal bonds, and proceedings before special masters. Nothing in the Constitution, our federal system, or an unbroken century of judicial practice commands such an anomalous result.

In no situation are the foregoing principles more apt than where parties—in this case state officials represented by state lawyers—have been guilty of bad faith litigation. Courts have traditionally exercised their "inherent power" to control litigation by awarding attorneys' fees against those who have "acted in bad faith, vexatiously, wantonly, or for oppressive reasons." *McCrary* v. *Runyon*, 44 U.S.L.W. 5034, 5041 (U.S. June 25, 1976). Without the power to control such behavior, the courts are degraded and their constitutional function is severely eroded. *Cf. Allen* v. *Illinois*, 397 U.S. 337, 347 (1970).

The State of California, *amicus* herein, recognizes the anomaly of depriving federal courts of the power to regulate litigants' behavior, and advances the startling proposal that in injunctive suits the courts' only regulatory device is the contempt power. *Amicus* Brief, pp. 10-11. A more intrusive remedy could hardly be imagined, yet California is correct in saying that contempt citations are the only alternative. While we agree that courts do have the power to issue contempt citations to those, even state officials, who litigate in "bad faith, vexatiously, wantonly, or for oppressive reasons," we also believe that the range of sanctions and deterrents available to federal judges should not be limited to the one which they, understandably, are most reluctant to invoke against state officials.[5] Having the contempt power, it follows *a fortiori*

[5] If petitioners' position is accepted, then of course it would be unconstitutional to apply to state officials the provisions of Rules 37(a)(4) and 37(c), Fed. R. Civ. P., or Rule 38, F.R. App. P., *i.e.*, no attorneys' fees could be imposed for willful failure to make

that federal courts have the lesser power to award attorneys' fees in cases, like this, of undisputed bad faith litigation.

The availability of fees against state officials who litigate in bad faith has been affirmed by this Court as recently as four years ago. *Amos* v. *Sims*, 409 U.S. 942 (1972), *aff'g* 340 F. Supp. 691 (M.D. Ala. 1972). In that case, the district court, having found bad faith in the long failure to reapportion, awarded attorneys' fees against state officials who included the Governor, Attorney General and Secretary of State. On appeal to this Court, those officials argued that such an award was "tantamount to the award of a money judgment against the State of Alabama in direct violation of the doctrine of sovereign immunity." Jurisdictional Statement, p. 17. This Court summarily affirmed, in a decision to which it referred in *Alyeska Pipeline Service Co.* v. *Wilderness Society*, 421 U.S. 240, 270 n.46 (1975).[6]

---

discovery or willful failure to admit, nor could damages and single or double costs be taxed for taking a frivolous appeal. This Court, however, has only recently emphasized the need for a broad range of sanctions, "not merely to penalize those whose conduct may be deemed to warrant such a sanction, but to deter those who might be tempted to such conduct in the absence of such a deterrent." *National Hockey League* v. *Metropolitan Hockey Club, Inc.*, 44 U.S.L.W. 3754, 3755 (U.S. June 30, 1976).

[6] Since *Edelman*, four circuits have upheld awards of attorneys' fees against state officials. *Class* v. *Norton*, 505 F.2d 123 (2d Cir. 1975); *Souza* v. *Travisono*, 512 F.2d 1137 (1st Cir. 1975), *vacated*, 423 U.S. 809 (1975); *Thonen* v. *Jenkins*, 517 F.2d 3 (4th Cir. 1975); *Bond* v. *Stanton*, 528 F.2d 688 (7th Cir. 1976) (the instant case). *See also Fitzpatrick* v. *Bitzer*, *supra*.

Two circuits, however, have found such fee awards indistinguishable from the retroactive welfare payments condemned in *Edelman*. *Skehan* v. *Board of Trustees*, 501 F.2d 31 (3d Cir. 1974), *vacated*, 421 U.S. 983 (1975); *Jordon* v. *Gilligan*, 500 F.2d 701 (6th Cir. 1974), *cert. denied*, 421 U.S. 991 (1975). The two courts which have denied attorneys' fees against state officials in reliance on *Edelman* have focused only on the fact that money is to be paid from the state treasury, and have ignored the distinction between direct and ancillary effects on state treasuries.

The petitioners here approach this Court, after entry of judgment against them and after undisputed findings that they litigated in bad faith, and assert that the most fundamental rules, applicable in their nature to all litigants, cannot touch them. Acceptance of their argument would destroy the meaning of *Ex parte Young*, hasten the erosion of the rights of the people of this Nation, and deprive the federal courts of a relatively mild but effective deterrent against bad faith litigation.

CONCLUSION

The lower courts' orders awarding attorneys' fees should be affirmed.

Respectfully submitted,

ALBERT E. JENNER, JR.
STEPHEN J. POLLAK
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

ARMAND DERFNER
P.O. Box 608
Charleston, South Carolina 29402

ROBERT A. MURPHY
JOEL L. SELIG
NORMAN J. CHACHKIN
WILLIAM E. CALDWELL
Suite 520 Woodward Building
733 - 15th Street, N.W.
Washington, D. C. 20005

Attorneys for Amicus Curiae